

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10601-MLW

PAUL E. PARTRIDGE,)
PAUL E. PARTRIDGE, JR.)
Plaintiffs,)
V.)
APPLICA CONSUMER PRODUCTS, INC.,)
BRINK'S HOME SECURITY, INC.,)
Defendants,)

)

**PLAINTIFFS' ANSWER
TO COUNTERCLAIM OF DEFENDANT BRINK'S**

NOW COME the Plaintiffs Paul E. Partridge and Paul E. Partridge, Jr. ("Plaintiffs") and hereby make this their Answer to the Counterclaim of Defendant Brink's Home Security, Inc. ("Brink's").

1. Plaintiffs can neither admit nor deny the allegations contained in this paragraph calls upon the Brink's to prove the same.
2. Admit.
3. Plaintiffs can neither admit nor deny the allegations contained in this paragraph calls upon the Brink's to prove the same.
4. Plaintiffs can neither admit nor deny the allegations contained in this paragraph calls upon the Brink's to prove the same.
5. Admit.
6. Admit.

7. Admit.
8. Deny.

WHEREFORE, Plaintiffs request that this Honorable Court dismiss the Counterclaim of Brink's and enter judgment for and grant to Plaintiffs whatever relief this Court deems just and equitable.

FIRST AFFIRMATIVE DEFENSE

Brink's fails to state a claim or cause of action against Plaintiffs for which relief can be granted and its Counterclaim must therefore be dismissed pursuant to F.R.Civ.P 12(b)(6).

SECOND AFFIRMATIVE DEFENSE

Brink's assert contractual provisions void as against public policy.

THIRD AFFIRMATIVE DEFENSE

Brink's claim is barred by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiffs reserve the right to assert any further affirmative defenses as may develop over the course of this litigation including claims alleging Brink's has brought its counterclaim in bad faith.

JURY CLAIM

THE PLAINTIFFS REQUEST A JURY TRIAL ON ALL MATTERS BEFORE THE COURT IN THE ABOVE REFERENCED MATTER.

Respectfully Submitted,
By the Plaintiffs,
Paul E. Partridge and
Paul E. Partridge, Jr.,
By Their Attorney,

/s/ Jason E. Cohn

Jason E. Cohn
TOMMASINO & TOMMASINO
Two Center Plaza
Boston, MA 02810
(617) 723-1720
B.B.O.#638259

CERTIFICATE OF SERVICE

I, Jason E. Cohn, Esq., certify that on this 26th day of July 2005, true copies of the following were served upon the attorneys of record for each party by first class mail:

1. Plaintiffs' Answer to Defendant Brink's Counterclaim

/s/ Jason E. Cohn

Jason E. Cohn, Esq.
B.B.O. #638259
TOMMASINO & TOMMASINO
2 Center Plaza
Boston, MA 02108
(617) 723-1720